



# City of San Marcos

630 East Hopkins  
San Marcos, TX 78666

## Meeting Minutes City Council

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Wednesday, June 5, 2019

5:30 PM

San Marcos Activity Center: Multi-Purpose Room

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### **501 E. Hopkins - City Council / Planning and Zoning Commission Joint Workshop**

#### **I. Call To Order**

**With a quorum present, the Joint Code SMTX Update workshop meeting of the San Marcos City Council and Planning and Zoning Commission was called to order by Mayor Hughson at 5:36 p.m. Thursday, June 6, 2019 in the San Marcos Activity Center - Multi Purpose Room, 501 E. Hopkins, San Marcos, Texas 78666.**

#### **II. Roll Call**

**Council Member Marquez and Commissioner Moore arrived after roll call.**

**Present:** 12 - Mayor Pro Tem Lisa Prewitt, Council Member Saul Gonzales, Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Maxfield Baker, Mike Dillon, Jim Garber, Gabrielle Moore and Betseygail Rand

**Absent:** 4 - Mark Gleason, Travis Kelsey, Matthew Haverland and Kate McCarty

1. Receive a Staff presentation and annual update regarding the San Marcos Land Development Code, commonly known as Code SMTX, and provide direction to Staff on which items should be reviewed and brought back with a recommendation.

**Bert Lumbreras, City Manager, provided a welcome to the City Council and Planning and Zoning Commissioners and explained that Staff would be walking through the various topics that have come through for consideration from the Council, public, and boards and commissions for the update of the Land Development Code. He provided that there are a large number of issues, and that Staff is trying to be as comprehensive as possible and segment them as much as possible considering the volume and complexity of the issues. He then introduced Shannon Mattingly, Director of Planning and Development Services who provided the presentation.**

**Ms. Mattingly explained that the purpose of the presentation was for the Council and Planning and Zoning Commission (P&Z) to receive information from Staff on the impact of the San Marcos Development Code since adoption and for the Council and P&Z to provide direction on which requested changes should be reviewed by Staff and brought back with a recommendation.**

**Ms. Mattingly reviewed the new development requests that have been received and approved since the adoption of the new Code.**

**Ms. Mattingly explained that part of the Code update process will be to correct typos and technical clarifications as well as the vetting of recommended updates. She provided that they have sought feedback from other City appointed boards and commissions, City Council Members, City Staff, community organizations, the development community as well as San Marcos citizens.**

**Ms. Mattingly reviewed the Engineering Department's proposed update as follows:**

**Add waiver of detention/retention option for residential plats of 4 lots or less. Require approved drainage analysis and payment-in-lieu to stormwater management fund (3.9.1.1.G)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

**Laurie Moyer, Director of Engineering, reviewed the following:**

**Add exception to water quality requirements for residential plats of 4 lots or less (6.1.1.1.B)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

**Ms. Moyer reviewed the following Staff recommendation:**

**Add waiver of detention and/or water quality requirements for significantly constrained sites outside the Urban Stormwater Management District (6.1.1.2.B)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

**Ms. Moyer reviewed the following Staff recommendation:**

**Modify sensitive feature protection zone to include 25 ft buffer around feature and additional buffer in upstream direction (6.2.2.3.C)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

**Ms. Moyer reviewed the following Staff recommendation:**

**Require reclamation of water quality zones to incorporate natural channel design and shape (6.2.3.2)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

**Ms. Moyer reviewed the following Staff recommendation:**

**Add waiver of geological assessment requirement for sites that do not warrant assessment (6.3.2.1.C)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with caution, but direction was provided for Staff to move forward with performing further analysis and bringing it back for consideration.**

**Ms. Mattingly continued by reviewed the recommendations that were provided by the Conditional Use Permit Committee. The Committee consisted of three Council Members and three P&Z Members. She explained that the purpose is to provide citizens with more opportunities to provide input and limit excessive noise.**

**Ms. Mattingly reviewed the following recommendations:**

- Expire conditional use permits after 3 years (2.8.3.5). Following discussion Staff indicated that they would look for all concerns and comments reported on a CUP holder including, but not limited to, Code Enforcement reports, Police reports, the City's online reporting software and written comments or concerns.**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

- Limit appeal eligibility to applicant only (2.8.3.6)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

- Require all permit holders to keep site in clean and sanitary condition (5.1.5.5)**

**Staff indicated that they will place the timeframe within the Code as well.**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff**

performing further analysis and bringing it back for consideration.

- Update noise ordinance to include enforcement details and procedure (7.4.2.1)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

Ms. Mattingly reviewed previously received Recommendation Resolutions from the Historic Preservation Commission, and explained that the purpose was to allow for review of paint within the Downtown Historic District as well as clarify standards.

- Require administrative CoA to paint properties in Downtown Historic District. Prohibit painting of previously unpainted masonry (2.5.5.1)

Following discussion, the City Council and P&Z provided consensus to expedite the amendment to allow for review of paint within the Downtown Historic District as well as clarify standards.

- Clarify language and figure to clearly define least and most appropriate location(s) for solar panel(s) (Historic Guidelines-C.5.1.6)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

- Align primary durable material definition to Secretary of Interior definition and standard (4.3.5.17)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

Ms. Mattingly provided the recommendations from the Workforce Housing Taskforce. She provided that the purpose of these recommendations is for small modifications in the development process and ordinances that can remove barriers and encourage more affordability in San Marcos with limited disruption to current development process and regulations.

- Exempt small lots and infill development from minimum lot width and depth requirements (3.6.3.1)

Staff indicated that they will split this into two separate items and clarify them

further.

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with caution and with staff performing a lot more analysis and bringing it back for consideration.

- Analyze the impact of all proposed amendments in relation to key findings from Housing Needs Assessment report

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis as recommended.

- Add “meets needs as defined in housing needs assessment report” as rezone evaluation criteria (2.5.1.4)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

- Include “Clear Path” permitting process for projects that address affordable housing needs (4.3.1.3)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with caution and with staff performing more analysis to further define what “Clear Path” means, and bringing it back for consideration.

- Add waiver of permitting fees option for projects that address affordable housing needs (4.3.1.3)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with caution and with staff to bring back multiple options referenced as a “cafeteria plan” for consideration.

- Allow ADU parking in second layer of lot (4.4.6.1)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members for Staff to move forward and bring it back for consideration.

- Modify definition of RV and manufactured home parks to include tiny homes. Adopt Appendix Q of 2018 building code. (5.1.5.7) and (7.6.1.1)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff

performing further analysis and bringing it back for consideration.

Ms. Mattingly began to review the remaining proposed policy changes to the San Marcos Land Development Code. They are listed below as provided to the membership.

**Personal Notification:** Increase the personal notification area based on the size of the development (2.3.2.1). Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with considering an increase of the personal notification area based on size and density.

**Certificate of Appropriateness:** Make City Council (not ZBOA) the appellate body for City owned properties (2.5.5.5). Mayor Hughson noted that this has already been completed.

**Alcohol Conditional Use Permit:** No renewal of conditional use permits required after 3 years (2.8.3.5). Mayor Hughson noted that this has already been addressed.

**Block Perimeter:** Add waiver/exception to block perimeter requirement in Heavy Industrial districts (3.6.2.1). Ms. Mattingly explained that this is something that we have seen a lot of on our last few Chapter 380 Economic Development Incentive Agreements. There was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff bringing it back for consideration.

**Streets:**

- When Traffic Impact Analysis is required, disallow Level of Service studies in favor of Vehicle Miles Traveled studies (3.5.2.8). Ms. Moyer provided that they understand this request, but are not sure that it would adequately address it. There was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

- Revise street sections to include maximum lane width of 11' on all City streets and 10' where 45 mph or less (3.7.2.1). Ms. Moyer explained that they have gone through an exhaustive analysis with public safety within the last year regarding to lane widths. The results were 11' from the centerline to the base of the curb which was a 10' pavement width which allows for fire trucks, busses and other larger vehicles the ability to travel unimpeded. The City Council

provided consensus that this should be considered under the Vision Zero initiative and in the Transportation Master Plan and not within the Land Development Code.

- Allow visually separated pedestrian lanes on existing conventional and residential streets (3.8). Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

- Require narrowing (actual or perceived) in instances where roadway and lane widths are wider than Development Code standard (Existing Streets-3.8). Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to allow vs. require and to move forward with staff performing further analysis and bringing it back for consideration.

**Parks and Open Space Fee in Lieu:**

- Require Parks and Recreation Board approval for fee-in lieu less than \$50,000 (3.10.1.3.E.3).

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

**Accessory Dwelling Units:**

- Change from by-right to conditional use in all districts (4.2.1.2)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to bring this back for further consideration.

**Durable Building Materials:**

- Allow architectural metal panels as a primary durable building material (4.3.5.17)

- Allow architectural fiber cement wall panel products as a secondary durable material (4.3.5.17)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to place this one on hold until the Texas Legislature has completed their session. If they do not pass a bill prohibiting us from regulation then Staff will bring it back for further discussion and direction.

- Waive/exempt free standing columns of shade structures from durable materials requirement (4.3.5.17)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

#### **Historic Landmarks:**

- Include list of historic sites designated by other jurisdictions (4.5.2.1)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.

#### **Infill Development:**

- Reduce 3,000 square foot minimum area requirement for courtyard housing (4.4.6.9)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.

- Reduce 3,000 square foot minimum area and 40' setback requirement for cottage court housing (4.4.6.4)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.

#### **Neighborhood Density Districts:**

- Redact/eliminate neighborhood density (ND) districts (4.4.2)

Commission Chair Jim Garber provided his recommendation which was to keep ND 3.5, but to change it so that it is only allowable in areas of medium density. Change ND 3 to have two forms. ND 3 would be allowed in areas of stability or if 60% or more are SF6 then you could go up to 6 houses per acre. Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to discuss these further during a workshop. The Council Members and Planning and Zoning Commission Members will submit ideas and recommendations to Staff in preparation that the workshop. Staff is not expected to bring recommendations, but will be available to answer any questions. Staff will also set up a lunch & learn to allow new council members or P&Z members the opportunity to get briefed on the ND subject.

The following were not discussed during this meeting, but will be discussed during a future workshop specifically to Neighborhood Density Districts.

- Redact/eliminate neighborhood-main street district (4.4.2.4)
- Suspend neighborhood density districts until character studies complete



**(4.4.2)**

- **Keep neighborhood density districts regardless of status of character studies**

**(4.4.2)**

- **Rename Neighborhood Density Districts to Neighborhood Diversity Districts**

**(4.4.2)**

- **Add an N2 zoning district which allows more moderate increase in density, setbacks, and allowed housing types from conventional residential districts.**

**(4.4.2)**

#### **Neighborhood Transitions:**

- **Replace current standards with requirement that Commercial use across the street from established Residential use be limited to 1 story (4.4.4.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration. Council provided direction for Staff to also review and bring back Neighborhood Transitions overall.**

#### **Zoning-General:**

- **Convert conventional residential districts to legacy districts. Require neighborhood density or character districts for future rezones (4.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.**

- **Allow up to 3 dwelling unit by right (subject to compliance with all other lot development standards and preservation of primary structure) in all districts (4.3)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.**

- **Add Industrial zoning district to accommodate rail service expansion (4.4.5.3 and 4.4.5.4)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

- **Review possibility of adding Planned Development Districts (4.5)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

- **Maintain Planned Development Districts exclusion from Code (4.5)**

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.

**Purpose Built Student Housing:**

- **Prohibit Rent by the Bedroom Purpose-Built Student Housing (5.1.4.7)**

Michael Cosentino, City Attorney, provided that this could probably be limited to only be allowed in certain districts. Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis related to defining districts where a CUP can be granted or where it would be allowed by right, and bringing it back for consideration.

- **Need definition for Purpose Built Student Housing that includes “Rent by the Bedroom” (5.1.4.7)**

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward and for staff to bring it back for consideration.

**Rental Registration:**

- **Remove mandatory rental registration (5.1.4.1.B)**
- **Maintain mandatory rental registration (5.1.4.1.B)**

Following discussion there was a consensus of members of the City Council and Planning and Zoning Commission Members to maintain rental registration.

**Occupancy:**

- **Make it easier to enforce (ease burden of proof) Occupancy Restrictions (5.1.4.1.C)**

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff continuing to look at possible solutions and bringing it back if a solution can be proposed.

- **Require following disclosure in all real estate contracts: “Property is in a Single-Family neighborhood and it is illegal for more than a family plus one other person to occupy the residence” (5.1.4.1.D)**

Michael Cosentino, City Attorney, provided that the occupancy restriction requirement has been recorded in the deeds of record for all single-family subdivisions with the Hays County Clerk’s Office. He provided that this should come up with a title search.

**Stormwater Management and Water Quality:**

- **Revise language for clarity. Applicability of requirement and how impervious surface should be calculated is unclear (6.1.1.1.4)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

- **Credit reduced impervious cover against overall 25% increased area calculation (6.1.1.1.4)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.**

- **Reduce/limit Watershed Protection Plan requirement(s) for small commercial and multi-family. Offer toolbox of best practice, off the shelf options for meeting water quality and volume standards (2.6.1.1.D) and (6.1.4.1.D)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward because it is already covered in another item on today's list.**

- **Add enhanced protections section for re-routed creeks (General-Chapter 6)**  
**Previous direction has already been provided related to this topic. Consensus to move forward was provided.**

- **Qualified Watersheds should be administrative and not require Planning and Zoning approval. (2.6.1.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

**Parking:**

- **Maintain exemption for projects of 10 or fewer units in CD-5 and CD-5D zones (7.1.2.2.B.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.**

- **Prohibit excessive parking (7.1.1.3)**

**This item was skipped over due to lack of information related to the suggestion.**

- **Eliminate minimum off-street parking requirements. Allow to be delivered based on demand, cost, and value. (7.1.2.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.**

- **Eliminate minimum off-street parking requirements for development within ½ mile of transit with frequent service (7.1.2.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.**

- **Review on-street credit towards minimum off-street requirements (7.1.2.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.**

- **Increase minimum requirements for purpose-built student housing (7.1.2.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration**

- **Require 1.05 spaces per occupant rather than by bedroom (7.1.2.1)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward and for staff to bring it back for consideration.**

- **Remove exemption for projects of 10 or fewer units in CD-5 and CD-5D zones (7.1.2.2.B.1)**

**This was addressed above.**

- **Eliminate or increase parking fee-in-lieu for purpose-built student housing (7.1.2.2.C)**

**Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis, but not looking to eliminate the parking fee-in-lieu, and bringing it back for consideration.**

- **Review shared parking chart for errors. Times that spots are occupied by use appears incorrect (Table 7.3)**

**Staff will check for errors in the parking chart.**

- **Offer 20% reduction to transit adjacent development that offers transit**

passes to residents/employees or that unbundles parking cost from housing and employer benefit costs (7.1.3.2)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward.

- Reduce maximum remote parking distance from 2,500 to 1,500 (Table 7.4)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

- On street parking should not count towards Multifamily parking requirement. (7.1.2.1)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

#### **Solar:**

- Develop better incentives for on-site solar (7.1.1.3)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

#### **Affordable Housing:**

- Remove additional stories for 10% affordable units incentive (4.3.1.2) and (4.3.4.5)

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to move forward with staff performing further analysis and bringing it back for consideration.

- Increase allowed occupants or remove occupancy restrictions (5.1.4.1)

Following discussion there was not a clear consensus of the members of the City Council and Planning and Zoning Commission Members to move forward one way or another on this topic.

#### **General Comments:**

- Review for typos and inconsistencies on annual basis but perform thorough

review and amendments on a three-year basis

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to review the Land Development Code as needed. Staff will continue to review for typos and inconsistencies, which should be taken care of with this update.

- Keep the Development Code as is and allow time to be implemented. Do not amend at this time.

Following discussion there was a consensus of the members of the City Council and Planning and Zoning Commission Members to not move forward with this suggestion.

- Perform additional analysis and partner with Texas State University to better understand the demand for student housing  
Not a Land Development Code issue at this point.

- Protection of trees on private residences  
There are other laws and regulations that address this suggestion.

- Protection of Native American artifacts  
There are other laws and regulations that address this suggestion.

Commissioner Betseygail Rand asked if staff could look at the impact downtown of vacant storefronts and the drag that it puts on vibrancy downtown. Mayor Hughson let her know that the issue is being addressed within the council's strategic indicative of Downton Vitality.

Staff will provide a map to the council that shows the height limits in the downtown area.

No further direction was provided.

III. Adjournment.

Mayor Hughson adjourned the joint City Council and Planning and Zoning Commission workshop at 9:23 p.m.

Jamie Lee Case, TRMC, City Clerk

Jane Hughson, Mayor